



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

(212) 416-8459

December 13, 2013

VIA ECF

Magistrate Judge Vera M. Scanlon
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Via ECF

Re: *State of New York v. West Side Corp., et al.*
U.S. Dist. Ct., E.D.N.Y. Index No. CIV 07-4231 (ENV)(VMS)

Dear Magistrate Scanlon:

This office represents the Plaintiff State of New York (the "State") in the above-referenced action. I am writing on behalf of all the parties to apprise the Court of the progress of settlement negotiations in this case pursuant to the Court's Scheduling Order dated August 20, 2013, and in response to the Court's docket entry on November 10, 2013 requesting a joint status report.

As indicated last month, parties have reached a conceptual agreement as to full resolution of this matter against both remaining defendants, and have worked out the details of a draft consent decree that provides for, among other things, a payment plan. Parties have now resolved outstanding concerns regarding enforcement of that plan. The parties remain actively engaged in this process, and there are only two remaining clauses under discussion, which parties hope to have resolved in the next few days. Parties anticipate submitting this consent decree to management at the Department of Environmental Conservation and the Attorney General's Office for approval perhaps as early as next week, and will file with the Court upon receiving those approvals.

The parties thank the Court for its patience as this matter is resolved and believe that the process is very near to resolution.

Respectfully submitted,

s/ Janice A. Dean

Janice A. Dean
Assistant Attorney General

cc: Joshua M. Levy, Esq. (via ECF)
Edna Sussman, Esq. (via Electronic Mail)
Gerald P. Lepp, Esq. (via Electronic Mail)